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OFFICE OF PETITIONS

In re Application of :
Michael Wendell Vice :
Application No. 10/072,676 : DECISION ON RENEWED PETITION
Filed: February 7, 2002 : UNDER 37 C.F.R. §1.137(A)
Attorney Docket Number: 2429-3 :
Title: SERIES ACTIVE FILTERING :
POWER LINE CONDITIONER :
:

This is a decision on the renewed petition filed June 18, 2007, pursuant to 37 C.F.R. §1.137(a)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed July 28, 2005, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees². Accordingly, the above-

¹ A grantable petition pursuant to 37 CFR §1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

² See MPEP §710.02(e).

identified application became abandoned on October 29, 2005. A Notice of Abandonment was mailed on December 15, 2005.

An original petition was filed on February 9, 2007, and was dismissed via the mailing of a decision on June 7, 2007, for failure to include the petition fee.

With this renewed petition, Petitioner has asserted that a response to this communication was submitted on October 17, 2005. Petitioner has submitted a copy of this submission, and it is noted that it contains a certificate of mailing dated October 17, 2005.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that petitioner has met his burden of establishing that a submission was timely submitted.

As such, Petitioner has established that the entire period of delay was unavoidable. Petitioner has further submitted a copy of the required reply that was originally submitted on October 17, 2005. The issue, publication, and petition fees have been charged to Petitioner's Deposit Account. A terminal disclaimer is not required.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.



**Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office**

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.